



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-60902-2024 (O&M)
Date of Decision:- 29.01.2025

Shivam Beniwal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankur Lal, Advocate, for the petitioner.
Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
532	29.09.2023	Kotwali, District Faridabad	147, 148, 149, 323, 506 IPC (Sections 302, 325, 341 added and Sections 307, and 323 IPC deleted later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.



2. The FIR in question was lodged at the instance of Vipin (father of deceased Daksh) alleging therein that his son Daksh (since deceased) was a student of Class XI in Vidya Neketan school. It is alleged that on 28.9.2023 at about 8.00/8.30 p.m., his wife called him informing that Daksh was beaten up by 10-12 boys near Vidya Niketan School, Faridabad and he had been taken to Escorts Fortis Hospital for treatment. When he reached there, Yash (friend of Daksh) told him that he was with Daksh at the time of incident and that Cheenu, Harman, Shivam, Madhukar, Sarvan and 7-8 other boys kicked, punched and gave severe beatings to Daksh with sticks. As the crowd gathered at the spot, said assailants fled from the spot while raising threats to kill Daksh in future.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that falsity would be evident from the fact that PW-1 Yash Kumar, when examined during the proceedings of trial, did not fully support the case of prosecution and did not identify the petitioner to be the assailant. It has been submitted that the petitioner as of now has been behind bars since the last about 1 year, 3 months and 22 days and otherwise is not involved in any other case. It has been informed that co-accused Madhukar, who is specifically named in the FIR, has been granted bail by a Coordinate Bench of this Court vide order dated 27.11.2024 passed in CRM-M-24798-2024 (Annexure P-4). It has also been informed that identically situated co-accused namely Manik @ Mannu has already been



granted bail by this Court vide order dated 11.12.2024 passed in CRM-M-61254-2024.

4. Opposing the petition, learned State counsel submitted that since the name of the petitioner specifically figures in the disclosure statement made by co-accused, his complicity is clearly evident. Learned State counsel has not disputed the factum of petitioner's custody being 1 year, 3 months and 22 days.
5. This Court has considered the rival submissions.
6. The aforesaid factum regarding the prime witness i.e. PW-1 Yash Kumar has not fully supported the case of prosecution, is not disputed by learned State counsel, who has also not disputed the custody of the petitioner and also the fact that he is not involved in any other case. Co-accused Madhukar, who is specifically named in the FIR, has already been granted bail by a Coordinate Bench of this Court vide order dated 27.11.2024 passed in CRM-M-24798-2024 (Annexure P-4). Identically situated co-accused namely Manik @ Mannu, Nitikesh @ Lala and Ritik @ Gandhi have also been granted bail by this Court vide order dated 11.12.2024, 17.1.2025 and 23.1.2025 passed in CRM-M-61254-2024, CRM-M-1237-2025 and CRM-M-2671-2025 respectively. Under these circumstances, the petitioner also deserves the same concession on grounds of parity apart from the fact that the prime witness has not fully supported the case of prosecution.



7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.01.2025
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No